

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-CR-20166-CMA

UNITED STATES OF AMERICA

vs.

ELIASIB REYES,

Defendant.

FACTUAL BASIS

The United States of America and the Defendant Eliasib Reyes (“REYES”) agree that had this case proceeded to trial, the United States would prove beyond a reasonable doubt the following facts, among others, which occurred in the Southern District of Florida.

In March 2012, REYES opened a checking account at Bank of America (“Account 3447”). On April 5, 2018, REYES incorporated Reyes Aviation, Inc. (“Reyes Aviation”) in the State of Delaware. Reyes Aviation did not open a bank account until November 2020 and has never reported having employees or wages. REYES has worked at Braman BMW Miami since 2013 in finance and sales.

On July 16, 2020, REYES submitted an Economic Injury Disaster Loan (“EIDL”) to the Small Business Administration (“SBA”), causing a wire transmission from inside to outside the State of Florida. The application was assigned a number ending in 7603. In the application, REYES knowingly and falsely represented that he established himself as an independent contractor on April 23, 2015; that his gross revenues from January 31, 2019, until January 31, 2020, were \$120,000; that his cost of goods sold from January 31, 2019, until January 31, 2020, were \$40,000; that his business activity was automotive body repair, collision, and painting; and

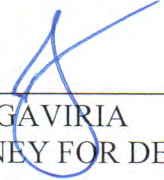
that he had 10 employees as of January 31, 2020. REYES e-signed the loan agreement for EIDL 7603 on July 17, 2020. On July 18, 2020, SBA funded EIDL 7603 in the amount of \$40,000. On July 21, 2020, \$39,900 posted to Account 4337. On July 22, 2020, REYES transferred \$17,000 from Account 3447 to his TD Ameritrade brokerage account.


On July 25, 2020, REYES submitted an EIDL application to the SBA for Reyes Aviation, causing a wire transmission from inside to outside the State of Florida. The application was assigned a number ending in 8638. In the application, REYES knowingly and falsely represented that Reyes Aviation's gross revenues from January 31, 2019, until January 31, 2020, were \$157,789; that Reyes Aviation's cost of goods sold from January 31, 2019, until January 31, 2020, was \$60,438; that Reyes Aviation's business activity was limousine and transportation services; and that Reyes Aviation had 10 employees as of January 31, 2020. REYES e-signed the loan application on August 7, 2020. On August 7, 2020, SBA funded EIDL 8638 in the amount of \$48,700. On August 11, 2020, \$48,600 posted to Account 3447.

The information contained in this proffer is not a complete recitation of all the facts and circumstances of this case, but the parties admit that it is sufficient to prove beyond a reasonable doubt a violation of Title 18, United States Code, Section 1343, that is, wire fraud, as charged in Count 1 of the Indictment.

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Date: 16 JUN 2023 By: 
JONATHAN BAILYN
ASSISTANT UNITED STATES ATTORNEY

Date: 6/16/2023 By: 
FRANK GAVIRIA
ATTORNEY FOR DEFENDANT

Date: 6/16/2023 By: 
ELIASIB REYES
DEFENDANT